

**U.S. Department of Justice**Executive Office for United States Trustees

**INSTRUCTIONS FOR
APPLICATION FOR APPROVAL AS A PROVIDER OF A
PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

Introduction. A provider of a personal financial management instructional course seeking approval by the United States Trustee, in accordance with 11 U.S.C. § 111, (hereinafter “Provider”) shall submit an application to the Executive Office for United States Trustees (EOUST) in the form described below. The Provider shall provide all information and documents required by the EOUST or the United States Trustee responsible for each judicial district in which the Provider seeks approval. Unless otherwise stated, all information and documents shall be in writing. All documents provided shall be either original or “conformed copies.”¹

Mailing Instructions, Information Requests, and Notifications. The application package should include the completed application and all documents and information requested. Once completed, the entire package should be sent by overnight mail to the following address:

Executive Office for U.S. Trustees
Debtor Education Application Processing
20 Massachusetts Avenue, NW
8th Floor
Washington, DC 20530

(202) 514-4100

Supplemental information requests and notifications will be sent to the principal contact identified in the application. Responses to requests should be submitted to the address stated above unless otherwise instructed.

Applications should be completed in their entirety before submission. An incomplete application may result in delay or denial of the application. Upon receipt of the application, the Provider will, as soon thereafter as practical, receive an acknowledgment letter which may include a request for additional information. Written inquiries concerning the status of an application should be directed to the above address.

^{1/} “Conformed copy” as used herein means a copy that agrees with the original and all amendments to the original. If the original document required a signature, the copy should either be signed by a principal officer or, if not signed, be accompanied by a written declaration signed by an authorized officer of the organization. With either option, the officer must certify that the document is a complete and accurate copy of the original.

Application Form and Instructions. The application form and instructions consists of the following sections:

- Section 1. General Information Concerning the Provider
- Section 2. Qualifications/Experience of Provider
- Section 3. Experienced and Trained Personnel (Teachers)
- Section 4. Learning Materials and Methodologies (Course Curriculum)
- Section 5. Adequate Facilities
- Section 6. Reasonableness of Fees
- Section 7. Acknowledgments, Agreements, and Declarations
- Section 8. Certification and Signature
- Appendix A. Matrix of Personnel Experience
- Appendix B. Provider Checklist for Adequacy of Facilities
- Appendix C. Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course

Burden Statement. Respondents are not required to complete this form unless it contains a valid OMB number. The public reporting burden for this application is estimated to average three hours, including time for reviewing instructions, gathering information, and completing the application. Comments regarding this burden estimate or any other aspect of this application, including suggestions for reducing the burden, should be directed to the Executive Office for United States Trustees, Debtor Education Application Processing, 20 Massachusetts Avenue, NW, 8th floor, Washington, DC 20530.

Privacy Act Statement. Section 111 of title 11, United States Code, authorizes the collection of this information. The primary use of this information is by the Executive Office for United States Trustees to approve providers of instructional courses concerning personal financial management. Additional disclosure of the information may be to district and regional offices of each United States Trustee. The information will not be shared with any other agencies unless allowed by law.

Public Law 104-134 (April 26, 1996) requires that any person doing business with the federal government furnish a Social Security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the Social Security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application.

Section 1. General Information Concerning the Organization

- 1. Complete Section 1 of the Application.

Section 2. Qualifications/Experience of Provider

- 1. Compliance with Laws and Regulations. The Provider must be in compliance with all applicable laws and regulations of the United States and each state, commonwealth, district, or territory of the United States in which the Provider conducts courses. Nothing contained in these instructions, the application, or the

appendices thereto, is intended to preempt any applicable law or regulation governing the conduct or operations of the provider.

2. Complete Section 2 of the Application.

Section 3. Experienced and Trained Personnel (Teachers)

1. Generally. The Provider must employ trained personnel with adequate experience and training in providing effective instruction and services.
2. Qualifications. The Provider shall employ, at a minimum, an individual who holds at least one of the following current certifications, or who has equivalent training or experience, to supervise instructors:
 - a. A state teacher's certificate in any subject;
 - b. Certified Financial Planner (CFP);
 - c. Certification as a credit counselor by the National Foundation for Credit Counseling;
 - d. Certification as a credit counselor by the Association of Independent Credit Counseling Agencies;
 - e. Accredited Financial Counselor (AFC);
 - f. Certification by the American Association of Family and Consumer Sciences;
 - g. Registered Financial Consultant (RFC); or
 - h. Certified Public Accountant (CPA).
3. Complete Section 3 of the Application.

Section 4. Learning Materials and Methodologies (Course Curriculum)

1. Generally. The Provider's learning materials and methodologies must be designed to assist debtor students in understanding personal financial management and must be consistent with stated objectives directly related to the goals of such instructional course.
2. Course Goals and Objectives. The Provider shall ensure that the course provides, at a minimum, written information and instruction on all of the following topics.

a. Budget Development

- Setting short-term and long-term financial goals, as well as developing skills to assist in achieving these goals.
- Calculating gross monthly income and net monthly income.
- Identifying and classifying monthly expenses as fixed, variable, or periodic.

b. Money Management

- Keeping adequate financial records.
- Developing decision-making skills required to distinguish between wants and needs, and to comparison shop for goods and services.
- Maintaining appropriate levels of insurance coverage, taking into account the types and costs of insurance.
- Saving for emergencies, for periodic payments, and for financial goals.

c. Wise Use of Credit

- The types, sources, and costs of credit and loans.
- Identifying debt warning signs.
- Appropriate use of credit and alternatives to credit use.
- Checking a credit rating.

d. Consumer Information

- Public and non-profit resources for consumer assistance.
- Applicable consumer protection laws and regulations, such as those governing correction of a credit record and protection against consumer fraud.

3. Course Procedures. The Provider shall ensure that the following procedures are followed.

a. Generally

- The Provider shall require each debtor student to provide proof of identification, to provide his/her bankruptcy case number, and to sign in and sign out of the course.
- The course shall be a minimum of two hours in length. Courses offered via the Internet or telephone should be designed for average completion within a minimum of two hours.
- At the end of the course, the Provider shall collect from each debtor student a completed course evaluation. The evaluation shall be in a

form acceptable to the Executive Office for United States Trustees and shall not be signed by the debtor student.

b. Classroom Instruction *(For each course offered through classroom instruction.)*

- A teacher shall be present for purposes of instruction and interaction with debtor students.
- Class size shall be reasonably limited to ensure an effective presentation of the course materials.

c. Telephonic Instruction *(For each course offered through telephonic instruction.)*

- The Provider shall use a toll-free telephone number.
- The Provider shall comply with the Americans with Disabilities Act and also include a toll-free telephone number for deaf or hearing impaired debtor students, e.g., TTY, TDD, or Text Telephone.
- The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course.
- A teacher shall be present telephonically for purposes of instruction and interaction with debtor students. No pre-recorded instruction shall be used during the course.
- Written copies of the learning materials shall be provided to debtor students before the telephonic instruction session.

d. Internet Instruction *(For each course offered through Internet instruction.)*

- The Provider shall comply with the Americans with Disabilities Act (ADA) and its application to the Internet.
- The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course.
- A teacher shall respond within 24 hours to a debtor student's questions or comments.

4. Providers of Telephonic Courses or Internet Courses. In addition to meeting all other requirements, the Provider who conducts telephonic or Internet courses must demonstrate sufficient experience and proficiency in designing and providing services over the telephone or Internet.

5. Complete Section 4 of the Application.

Section 5. Adequate Facilities

1. Generally. The Provider shall ensure that any facility used by debtor students complies with all applicable laws and regulations, including, but not limited to, the Americans with Disabilities Act Accessibility Guidelines, and all federal, state, and local fire, health, safety, and occupancy laws, codes, rules, or regulations.
2. Complete Section 5 of the Application.

Section 6. Reasonableness of Fees

1. Reasonableness of Fees. Fees, contributions, or payments received from debtor students for courses shall be reasonable in amount. The Provider must provide services without regard to a debtor student's ability to pay, and may not withhold services because of an inability to pay.
2. Complete Section 6 of the Application.

Section 7. Acknowledgments, Agreements, and Declarations

1. Agreement to Disclose Information to Debtor Students. The Provider shall disclose the following information to each debtor student before the debtor student pays for a course:
 - The Provider's fee schedule, including any cost to the debtor student in addition to the course fee.
 - A statement that the course is offered to debtor students without regard to a debtor student's ability to pay.
 - The qualifications, including educational and training background, of the Provider's teachers.
 - A schedule of course dates, times, and locations.
 - A statement that the Provider does not pay or receive fees or other consideration for the referral of debtor students to the Provider.
 - A statement that, upon completion of the course, the Provider will provide a certificate of course completion to the debtor student.
2. Acknowledgment of Prohibitions, Limitations, and Obligations Regarding Operations. By executing and submitting the Application for Approval as a Provider of a Personal Financial Management Instructional Course, the Provider acknowledges the prohibitions, limitations, and obligations set forth in Appendix C, Acknowledgments, Agreements, and Declarations in Support of

Application for Approval as a Provider of a Personal Financial Management Instructional Course.

3. Complete Section 7 of the Application.

Section 8. Certification and Signature

The Provider's owner, president, chairman, trustee, or other authorized official is required to declare, by signing the application, that such individual is authorized to complete the application on behalf of the Provider; that such individual has read and knows the contents of the application and all enclosures and attachments submitted; and to affirm under penalty of perjury that all of the representations and statements contained therein are true and correct to the best of such individual's knowledge, information, and belief.